

Before the Board of Zoning Adjustment, D. C.

Application No. 11752 of Oscar H. Serafini (El Mercadito, Inc.), pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a temporary Community Service Center as provided by Section 5102.53 of the regulations in the C-2-B zone, at the premise 2451 - 18th Street, N. W., known as lot 878, Square 2560.

HEARING DATE: October 16, 1974

DECISION DATE: January 21, 1975

FINDINGS OF FACT:

1. The applicant proposes to use the subject property as a Community Service Center in order to provide a job counselling center on the 2nd floor and architectural planning services on the 3rd floor.

2. The applicant testified at public hearing, that no goods would be sold on the premises, the use would serve the Adams Morgan Community in which it is located, and would operate from 9:00 a.m. to 5:00 p.m. five days per week.

3. The applicant, Washington Planning Workshop, is a non-profit corporation, chartered in the District of Columbia with a tax **exempt** status, and funded by private foundations and groups.

4. The 3rd floor of the subject property is designed for one (1) two bedroom apartment and a one **bedroom** apartment.

5. Opposition was registered by Mrs. Harriet B. Hubbard of the Dupont Circle Citizens Association. She objected to the proposed use of the subject property, stating that the second and third floors should be used for residential purposes.

6. Section 5102.53 of the regulations requires that all stories above the second story in the C zone shall be restricted to residential uses as permitted and regulated by the R-5-A district.

7. Strict application of Section 5102.53 of the regulations would limit the use of the third story of the subject property to residential usage, thereby requiring a variance for the use of the 3rd story by the applicant and its proposed use would require the grant of a variance by this Board.

8. No evidence was submitted by the applicant suggesting that a hardship exists on the subject property or to the structure thereon to support a request for a variance.

CONCLUSIONS OF LAW AND OPINION

Based upon the above findings of fact, and the record, the Board concludes that the proposed use of the subject property as a community service center cannot be granted. The 3rd story, which is proposed as an office for the applicant is not permitted, and no evidence having been offered to support a variance from Section 5102.53 of the regulations, the Board is of the opinion, that the granting of this application without showing of a hardship would substantially impair the meaning, intent, and the purpose of the Zoning Regulations and Maps.

ORDERED: That the above application be DENIED.

VOTE: 4-0 (Mr. Klauber not voting, not having heard the case.)

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: FEB 26 1975